

Superior Court of California, County of Contra Costa
Murrell v. San Ramon Valley Unified School District
 Case No. MSC19-00784

*A court authorized this Notice. This is not a solicitation.
 This is not a lawsuit against you and you are not being sued.
 However, your legal rights are affected whether you act or don't act.*

NOTICE OF CLASS ACTION SETTLEMENT

To: All persons employed by San Ramon Valley Unified School District in California as non-exempt Bus Drivers and Transportation Vehicle Drivers who worked at any time during the period from April 24, 2016, through May 10, 2022 (the "Class," "Class Members," or "Drivers").

If you are a Class Member, as described above, you are eligible for a payment from the Class Action Settlement. You do not need to return a claim form.

PLEASE READ THIS NOTICE CAREFULLY.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	To receive your Settlement Payment, you do not need to do anything. Your payment will be automatically mailed to you after the Court grants final approval of the Settlement. The amount of your Settlement Payment is shown on the last page of this Notice. <u>NOTE:</u> You must keep a current address on file with the Settlement Administrator to ensure receipt of your check.
UPDATE YOUR ADDRESS	Update your personal information with the Settlement Administrator to make sure your Settlement Payment is sent to the correct address. (Change of Address Form and return envelope are enclosed with this Notice.)
EXCLUDE YOURSELF	If you do not wish to participate in the Settlement you can exclude yourself from the Settlement and retain all rights you may have against San Ramon Valley School District for the Class Claims. However, PAGA does not allow PAGA Members to exclude themselves, so if you exclude yourself from the Class Settlement, you will not receive a share of the Class funds, and will not release the Class claims, but you will still receive your share of the PAGA Payment, and will be deemed to have released only your PAGA claims.
OBJECT	Tell the Court if you think the Settlement is not fair. You may also speak in Court about why you think the Settlement is not fair. <u>NOTE:</u> If you ask to exclude yourself from the Settlement, you cannot also object.

- **THIS NOTICE EXPLAINS YOUR RIGHTS AND THE DEADLINES TO EXERCISE THEM**
- **SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT SUPPORTS THE SETTLEMENT AND WILL NOT RETALIATE AGAINST ANY CLASS MEMBER FOR EXERCISING THE RIGHTS DESCRIBED IN THIS NOTICE**

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BASIC INFORMATION

1. Why did I get this Notice?

You received this Notice because San Ramon Valley Unified School District's records show you worked for the District as a non-exempt Bus Driver or Transportation Vehicle Driver sometime during the period from April 24, 2016 through May 10, 2022.

The purpose of this Notice is to explain the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The case is *Murrell v. San Ramon Valley Unified School District*, Case No. MSC 19-00784 (the "Action"). The Court in charge of the case is the Superior Court of the State of California, County of Contra Costa.

2. What is this Action about?

On April 23, 2019, Plaintiff notified San Ramon Valley Unified School District, (“the District”) and the Labor and Workforce Development Agency (“LWDA”) of his intention to file a representative action against the District, as an agent for the State of California and on behalf of all PAGA Members, alleging violation of several California Labor Code provisions and seeking civil penalties under the Private Attorneys General Act of 2004, (“PAGA”, California Labor Code §2698, et seq). On April 24, 2019, Plaintiff filed a complaint on behalf of the Class, and on behalf of the State of California and PAGA Members, alleging the District failed to pay all minimum wages for all time Drivers were under its control, including while involuntarily clocked out, bidding on routes, and renewing medical certifications.

The District denies all allegations in the Action and contends it complied with California law at all times. The Settlement is not an admission of any wrongdoing by the District nor an indication any law was violated.

3. Who are the Parties, Proposed Class Members, and PAGA Members in this Action?

Plaintiff Christopher Murrell has been employed by the District as a non-exempt bus driver since 2013.

San Ramon Valley Unified School District is a California Public Entity and the Defendant in this Action.

Class Members are defined as all persons employed by San Ramon Valley Unified School District in California as non-exempt Bus Drivers and Transportation Vehicle Drivers that worked any time during the period from April 24, 2016 through May 10, 2022.

PAGA Members, a subgroup of the Class, are defined as all non-exempt persons employed by San Ramon Valley Unified School District in California as non-exempt Bus Drivers and Transportation Vehicle Drivers who worked at any time from April 24, 2018 through May 10, 2022.

4. Why is this a Class Action?

In a class action, one or more people called Class Representatives (in this case, Christopher Murrell) sue on behalf of themselves and other people whom they allege have similar claims. This group of people is called a “class.” Each person receiving this notice is a “Class Member” for purposes of this Settlement.

5. Why is there a Settlement?

The Court did not decide in favor of Plaintiff or the District. There was no trial. Both sides agreed to settle the Action to avoid the cost and risks of a trial, and ensure Class Members get compensation from the Settlement.

THE TERMS OF THE SETTLEMENT

6. What is the Settlement Amount?

The proposed Settlement provides for a gross settlement of \$193,470 to fully and finally resolve all claims in the Action (the “Gross Settlement Amount”). The Gross Settlement Amount includes (1) attorneys’ fees of up to one-third of the Gross Settlement, \$64,490; (2) litigation costs estimated to be \$12,000; (3) a Class Representative Service Payment of \$5,000 to Christopher Murrell for his work, efforts and burdens in prosecuting the Action, and for undertaking the risks of a judgment for costs in the event of an unsuccessful outcome, and obtaining benefits on behalf of the Class, and providing a general release of all claims; (4) administration expenses of up to \$4,500, and (5) PAGA penalties of \$3,000, of which 75% (\$2,250) is to be paid to LWDA, for the government’s share of civil penalties alleged, and 25% (\$750) to be distributed proportionately to PAGA Members based on the number of their Pay Periods worked during the PAGA Period.

The exact amount of attorneys’ fees and litigation costs, Class Representative Service Payment, and Administration expenses will be determined by the Court at a Final Approval Hearing. The remaining portion of the Settlement, the “Net Settlement,” estimated at \$104,480, will be apportioned and paid entirely to all Class Members who do not request to be excluded from the Settlement, (“Participating Class Members”), based on the number of Work Weeks worked anytime during the Class Period (April 24, 2016 through May 10, 2022).

7. How much will my Settlement Payment be?

The estimated amount of your Settlement Payment is shown on the Employment Information Sheet, the last page of this Notice. It is based on the number of Work Weeks you worked during the Class Period. If you are a PAGA Member, your share of penalties is based on the number of Pay Periods worked during the PAGA Period. The amounts shown are estimates. The actual amount received may be more or less than the estimate, depending on a number of factors including whether other Class Members request exclusion from the Settlement and how much the Court approves in attorneys’ fees, litigation expenses, and other costs of suit.

HOW TO GET A SETTLEMENT PAYMENT

8. How can I get my Settlement Payment?

If you do nothing, you will automatically receive your Settlement Payment if the Court approves the Settlement at the Final Approval Hearing. You must, however, notify the Settlement Administrator of any change in your name or mailing address if your name, or address to which this Notice was mailed, is not correct. **It is your responsibility to keep the Settlement Administrator informed of any change in your mailing address. Your Settlement Payment will be mailed to the last known address it has on file for you.** A Change of Address Form and preprinted return envelope are enclosed for your convenience. You may call the Settlement Administrator at 1-800-523-5773 to confirm receipt of your Change of Address Form.

9. What do I do if I think my Number of Work Weeks or Pay Periods is wrong?

If you believe the number of Work Weeks or Pay Periods is not correct, you may send a letter to the Settlement Administrator stating what you believe is the correct information. Your letter must be postmarked on or before June 19, 2023. You should include any documents or other information supporting your belief the information is incorrect. The Settlement Administrator will resolve any dispute about the number of Work Weeks and Pay Periods based on The District's records and any information you provide, subject to the Court's review and final decision.

10. When can I expect to receive my Settlement Payment?

If you do not exclude yourself from the Settlement, and there are no objections submitted, your share of the Settlement will be mailed to you about 45 days after the Court grants final approval of the Settlement and enters judgment. **Your share of the Settlement will be mailed to the address the Settlement Administrator has on file for you, which is the address this Notice was mailed to.** If this address is not right, or if you move after you receive this Notice, you must inform the Administrator by returning the enclosed Change of Address Form.

The Settlement Payment will be allocated one-third to wages for which an IRS Form W-2 will be issued, and one-third penalties and one-third interest for which an IRS 1099 Form will be issued. Participating Class Members are responsible for paying taxes due, if any. If checks remain uncashed after 120 days of issuance, the Settlement Administrator will place a stop payment on those checks and send the funds to Legal Aid at Work, (www.legalaidatwork.org), a non-profit that provides free legal services to workers.

11. What am I giving up to get a Settlement Payment?

After the Court has approved the Settlement, unless you excluded yourself, you are staying in the Class and you can't sue, continue to sue, or be part of any other lawsuit against Defendant concerning the legal issues in this Action. You will be bound by the judgment in this Action and you will "give up" or release these claims:

Released Claims: All Class Members who do not return a valid and timely request for exclusion fully release and discharge San Ramon Valley Unified School District and its past, present, and future officers, directors, principals, employees, agents, accountants, auditors, attorneys, consultants, insurers, reinsurers, predecessors, successors, and assigns ("Released Parties") from all claims, debts, liabilities, demands, obligations, damages, liens or actions or causes of action that were alleged in the Complaint, or could have been alleged based on the operative facts alleged in the Complaint, and including, but not limited to, claims under California Labor Code sections 1194, 1194.2, 2699(a), 2699.3, 2699(f)(2), 2699.5, and the applicable Wage Orders promulgated thereunder ("Released Claims").

EXCLUDING YOURSELF FROM THE CLASS AND SETTLEMENT

12. How do I get out of the Class and the Settlement?

If you wish to pursue a separate lawsuit, with a separate attorney at your own expense, or do not want to participate in the Settlement for other reasons, you should exclude yourself from this case (that is, "opt out" of the Class and this Settlement). To opt out, you must return a valid and timely written request for exclusion. Your request for exclusion must include: (a) the case name and case number; (b) your full name, current address, telephone number, and last four digits of your social security number; and (c) your signature. The request for exclusion should state in substance:

"I wish to be excluded from the case entitled *Murrell v. San Ramon Valley Unified School District*, Case No. MSC – 19-00784 in the Superior Court of California, County of Contra Costa. I understand by requesting to be excluded from the Class, I will not receive a share of the Class settlement funds described in this Notice."

Your request for exclusion letter must be mailed to the Settlement Administrator postmarked no later than June 19, 2023, to the Administrator at the address shown in Paragraph 21.

If you return a valid and timely request for exclusion from the Class, and you were employed during the PAGA Period, you will still receive a share of the PAGA Penalties based on the number of Pay Periods you worked during the PAGA Period, because there is no right to opt out of a PAGA settlement.

13. If I don't exclude myself from the Settlement, can I sue the District for the same thing later?

No. Unless you exclude yourself from this Action, you give up any right to sue the District for the claims settled in this Action. *If you have a claim or lawsuit already against the District, you must speak to your lawyer in that case immediately.* You must ask to exclude yourself from this Action to continue your own case.

14. If I exclude myself, can I get money from this Settlement?

No. If you exclude yourself, you will not receive a Settlement Payment, and you will not be bound by the release or Judgment. The Settlement Payment you would have received will be distributed to Participating Class Members. But if you are a PAGA Member, employed sometime during the PAGA Period (April 24, 2018 through May 10, 2022), you will still receive a share of 25% of the PAGA Penalties based on the number of Pay Periods you worked during the PAGA Period.

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court that I don't like the Settlement?

If you don't think the Settlement is fair, you may object to the Settlement and tell the Court why you disagree with the Settlement. But if you only think your Settlement Payment was miscalculated, or the number of Work Weeks is wrong, please use the process in Paragraph 9 to notify the Administrator.

Your written objection to the Settlement should state the case name and number: *Murrell v. San Ramon Valley Unified School District*, Case No. MSC – 19-00784. Be sure to include your full name, current address and telephone number, and the reasons you object to the Settlement. Mail your written objection, and any documents you intend to use in support of your objection, on or before June 19, 2023, to the Administrator at the address shown in Paragraph 21.

You, or your lawyer at your expense, are welcome to attend the Final Approval Hearing to discuss your objections directly with the Court, whether or not you have returned a written objection.

If you wish to preserve your right to appeal if your objection is denied, you, or a lawyer on your behalf, must file formal papers with the Court intervening in the Action, before a final judgment is entered.

16. What's the difference between objecting and requesting to be excluded from the Action?

Objecting is telling the Court you don't like something about the Settlement. You may object only if you stay in the Class. Requesting to be excluded from the Class and the Settlement is telling the Court you don't want to be part of the Class and the Settlement. If you request to be excluded, you have no basis to object because the case no longer affects you.

If you remain in the Class and object to the Settlement, the Court will consider your objection when deciding whether to grant final approval of the Settlement. If you have submitted a timely written objection, you do not need to appear to discuss the objection with the Court.

You should not return to the Settlement Administrator both an objection and a request for exclusion. In the event you return both a valid and timely request for exclusion, **and** a written objection, the valid and timely request for exclusion will be accepted, and your written objection will be rejected.

THE COURT'S FINAL FAIRNESS HEARING

17. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing in Department 12 of the Superior Court of California, County of Contra Costa, at the Wakefield Taylor Courthouse, 725 Court Street, Martinez, California 94553 on July 27, 2023, 2023 at 9:00 a.m. At the hearing, the Court will determine whether the Settlement should be finally approved as fair, reasonable, and adequate. The Court will also be asked to approve Class Counsel's request for attorneys' fees and, the Class Representative Service Payment, and Settlement Administration fees and expenses.

The Court may reschedule the Final Approval Hearing without further notice to Class Members. However, any Class Member who has submitted a written objection will be notified by Class Counsel of any rescheduling of the date and time of the Final Approval Hearing. Should the Court grant Final Approval of the Settlement and Enter Judgment, the Court's Order approving the Settlement and Judgment may be viewed on the Administrator's website, <https://www.phoenixclassaction.com/san-ramon-valley-school-district/>.

18. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Judge may have. If you return a written objection, you do not have to come to Court to talk about it. If you mailed your written objection in the manner discussed in Paragraph 15, the Court will consider it. You or your own lawyer, at your expense, are also welcome to come to the hearing and discuss your objections with the Court, whether or not you submitted a written objection.

19. May I appear and speak at the Final Approval Hearing?

Yes, but you cannot speak at the Final Approval Hearing if you have excluded yourself from the Settlement.

GETTING MORE INFORMATION

20. Who can I contact if I have questions about the Settlement?

This Notice is a summary of the case and the Settlement. For more information, you may view the Settlement Agreement, and any papers filed in the Action, at the Contra Costa County Superior Court, Court Records, 1111 Ward St., Martinez, California 94553. You may also view documents online at <https://www.phoenixclassaction.com/san-ramon-valley-school-district/>.

21. Who are the attorneys for Plaintiff and the Class, and the Settlement Administrator?

Attorneys for Plaintiff and Class:

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Jeff Geraci

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619.595.3001

Administrator

Phoenix Settlement Administrators

P.O. Box 7208

Orange, CA 92863

(800) 523-5773

PLEASE DO NOT CONTACT THE CLERK OF THE COURT, THE JUDGE, OR THE DISTRICT, ITS SUPERVISORS, OR ATTORNEYS ABOUT THIS SETTLEMENT. You may contact the attorneys for the Plaintiff and the Class with any questions about the Settlement. You may also contact the Court-appointed Settlement Administrator at (800) 523-5773 or by writing to them at the address above.